

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NANCY A. RUSSOMANO, Individually and as
Administratrix of the Estate of Angelo J. Russomano,
Deceased,

Plaintiff,
vs.

06-CV-01507
(NAM/RFT)

ECOLAB INC.,

Defendant.

APPEARANCES:

O'Connell and Aronowitz
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Attorneys for Plaintiff

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Attorneys for Defendant

OF COUNSEL:

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Robert A. Barrer, Esq.

Hon. Norman A. Mordue, Chief U.S. District Judge

**JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT**

The Court has been advised by Magistrate Randolph F. Treece, that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil

Procedure. Counsel also withdraws the motion for summary judgment and the motion to preclude expert testimony. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

Therefore, it is hereby,

ORDERED that the above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it further

ORDERED that the dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless a party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it is further

ORDERED that the motion for summary judgment (Dkt. No. 30) and the motion to preclude expert testimony (Dkt. No. 31) are withdrawn. The Clerk is directed to terminate the motions.

IT IS SO ORDERED

Date: July 27, 2009


Norman A. Mordue
Chief United States District Court Judge